



W.P.No.37672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.03.2025

CORAM :

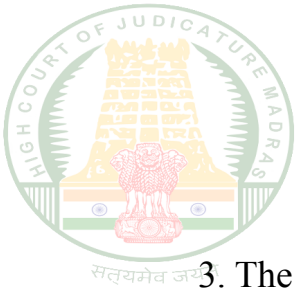
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. J.Deepika
2. Minor Sagiv Joshua,
Represented by his mother and Natural Guardian,
J.Deepika
3. Minor Kritin,
Represented by his mother and Natural Guardian,
J.Deepika .. Petitioners

Versus

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore.



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3. The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

4. The Dean of Government Coimbatore Medical
College Hospital,
Trichy Road,
Coimbatore - 641 018.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, appointing Deepika, wife of Joshua, the petitioner herein, as the guardian of her husband G.P.N.Joshua, who is on Comatose condition and permit the petitioner to protect his interest including operating his bank account, to deal with his due share of immovable properties (annexed along with the Writ Petition), in order to use the proceeds to meet his medical and family expenses.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

The prayer in the Writ Petition is to appoint the petitioner as a guardian in respect of her husband, G.P.N.Joshua.



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2. The said G.P.N.Joshua was a social worker. When he was working in a remote place near a Forest, it seems that he got high fever, on account of which, he suffered a brain injury and from 02.08.2023, he is lying in a vegetative stage. Tracheostomy was also performed. Till date, there is no improvement in his condition.

3. The matter is no longer *res integra*. Already, the Division Bench of this Court in ***S.Sasikala Vs. State of Tamil Nadu and Ors.*** in W.A.No.1538 of 2024 vide order, dated 23.05.2024, ordered that this Court can itself appoint a guardian.

4. I am satisfied with the medical records and the fact that there is a necessity for appointing the first petitioner, being the wife, as the guardian to take care of the affairs both in person as well as the properties of the said G.P.N.Joshua. The particulars of the properties and the bank account are



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pleaded as hereunder:-

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"i. A residential property at S.F.No.228 in Ganapathy Village, Coimbatore South, Coimbatore measuring an extent of 1170 Sq.Ft., (58 1/2 x 20) obtained by partition deed dated 11.07.1956 registered as Document No.3183 of 1956, on the file of Gandhipuram.

ii. A residential property in S.F.No.228 (C.P.Ravindranath layout), Ganapathy Village, Coimbatore North, Coimbatore, measuring an extent of 1170 Sq.Ft., by the sale deed dated 25.04.1973, registered as Document No.949 of 1973 on the file of SRO, Gandhipuram.

iii. A land measuring an extent of 26 cent and 272 Sq.Ft., of land comprised in S.No.15/2, Sankanoor Village, Coimbatore North, Coimbatore, registered as Document No.5324 of 1981 dated 26.11.1981, on the file of SRO, Gandhipuram.

iv. A house property comprised in Natham S.No.332/11A, Singanallur Village, Coimbatore South, Coimbatore, situated at Door No.22B, Boyar Street Extension 1, Singanallur measuring about 300 Sq.Ft., by registered sale deed dated 30.08.2012 registered as Document No.7438 of 2012 on the file of SRO, Singanallur.

v. A house property comprised in Natham S.No.332/11A3, Singanallur Village, Coimbatore South, Coimbatore, situated at Door No.22A, Boyar Street Extension 1, Singanallur measuring about 332 Sq.Ft., by registered sale deed dated 29.05.2015 registered as Document No.5007 of 2015 on the file of SRO, Singanallur.

vi. A house property comprised in Natham S.No.229/2 situated at Malumichampatti Village, Madukkarai Taluk,



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Site No.67 measuring an extent of 1320 Sq.Ft., by sale deed dated 13.12.2018 registered as Document No.7231 of 2018, on the file of SRO, Madukkarai.

vii. Indian Overseas Bank, Chinnathadagam Branch, A/c.No.064301000016683, Name of the Holder-Joshua GPN"

5. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The first petitioner is appointed as the guardian to G.P.N.Joshua to take care of him and his properties;

(ii) The petitioner will be entitled to take possession, administer, lease out, sell or in any manner, encumber the above mentioned properties;

(iii) The petitioner shall spend the amounts as if the said G.P.N.Joshua would spend the same i.e., to take care of his medical expenses and also for the maintenance for the family including the education of the minor children and the needs of the family etc.;

(iv) The petitioner will also be entitled to administer all the movable properties including the bank account in the Indian Overseas Bank,



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Chinnathadagam branch in Account No.064301000016683 and the petitioner will be entitled to operate the same, withdraw and deposit any amount for and on behalf of G.P.N.Joshua;

(v) The petitioner shall file periodical accounts statement before the District Legal Services Authority, Coimbatore for verification once in 6 months;

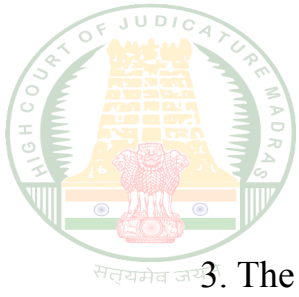
(vi) There shall be no order as to costs.

14.03.2025

Neutral Citation : no
grs

To

1. The Secretary to Government,
Department of Health and Family Welfare,
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Chennai - 600 009.
2. The District Collector,
Coimbatore District,
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D.BHARATHA CHAKRAVARTHY, J.

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